

## **REMARKS**

### Claim Objections

The examiner objected to claims 1-20 because of informalities; namely, the examiner objected to the terms “ad” and “inf.” Applicants may use any style of expression or format which makes clear the boundaries of the subject matter for which protection is sought. *See* MPEP § 2173.01, Claim Terminology. Moreover, claims may be defined in whatever terms an applicant chooses so long as any special meaning assigned to a term is clearly set forth in the specification. *Id.* Accordingly, it is respectfully submitted that the terminology used in the claims is not objectionable. Reconsideration of the claim objection is requested.

### Claim Rejections—35 U.S.C. § 101

In view of the claim amendments and new claims, the examiner is requested to reconsider the § 101 rejections.

### Claim Rejections—35 U.S.C. § 102

The examiner rejected claim 17 under 35 U.S.C. § 102(e) as being anticipated by Zigmond (6,698,020). Zigmond fails to disclose the claimed info segment pointers and info segment.

From the examiner’s rejection, it is gathered that the examiner equates Zigmond’s trigger with an info segment. As discussed below, Zigmond’s trigger is not tantamount to the claimed info segment.

In Zigmond, the appropriate time for inserting a selected advertisement coincides with advertisements that are originally carried on a video programming feed. Column 4, lines 36-52. Therefore, the advertisements originally carried on the video programming feed are effectively overwritten with the selected advertisement. *Id.* To enable the overwriting of original advertisements on a video feed, Zigmond has a triggering signal that appears in the video programming feed. Column 15, lines 45-65; Column 16, lines 31-43. A switching decision unit 88 identifies the presence of a trigger and prompts a video switch 90 to select between the real-time video programming feed and an advertisement feed. The trigger appears in the video programming feed at a pre-identified or otherwise determined period of time before the onset of a subsequent advertisement series. *Id.* The timing for inserting a selected advertisement is

precise. Therefore, *when* the switching unit identifies the triggering signal, the video switch is *prompted to switch* to selected ads.

Based on the above, there is no interaction between Zigmond's trigger and the ad selection criteria. Each is independent of the other. Thus, there is no reason to believe that the ad selection criteria of Zigmond provides access to an info segment, nor is an info segment retrieved in response to detecting ad selection criteria. For at least these reasons, claim 17 and claims dependent thereon are patentable over Zigmond.

#### Claim Rejections—35 U.S.C. § 103(a)

The examiner rejected claim 19 as being obvious over Zigmond in view of Seet. It is respectfully submitted that the examiner has failed to establish *prima facie* obviousness.

The electronic program database 81 of Zigmond associates television programs with time slots and television channels. *See* column 10, line 64-column 11, line 13. While Zigmond's electronic program database may include program descriptions, there is no teaching or suggestion in Zigmond of an electronic program guide with an info segment that includes an interruption point specifier. As explained above, the triggers are carried on the video programming feed and delivered in real time to the ad insertion device of Zigmond. In Zigmond's scheme the system is devoid of information pertaining to where an ad may be inserted in a content item until the trigger is delivered in the video programming feed. For at least this reason, *prima facie* obviousness has not been established. Reconsideration of the rejection of claim 19 and claims dependent thereon is requested.

Zigmond does not anticipate new claim 21, and claim 21 is not obvious over Zigmond in view of Seet. For example, in some embodiments of the present invention, a receiver may receive a content item and an info segment including an interruption point specifier to identify a location in the content to insert an advertisement. The content and the info segment may be stored in a cache coupled to the receiver. As has been explained above, Zigmond's triggering signal appears in a real time video feed to coordinate with the overwriting of advertisements carried on the original real time feed. This is supported by Figure 5 of Zigmond where trigger delivery comes in to the device at the right bottom corner, through the switching unit 88. From this, it is clear that Zigmond in no way caches an info segment with an interruption point specifier.

Additionally, referring to Figure 5 of the Zigmond, programming delivery, like trigger delivery is in real time. Hence, the programming is not cached on the ad insertion device. In some embodiments of the present invention, the content and the info segment may both be cached on the receiver prior to use. In some instances, the location in the content where an advertisement is to be inserted may be identified while the content is cached. Zigmond clearly does not disclose such a mechanism. For at least these reasons, claim 21 and claims dependent thereon are also patentable over the cited art.

Under a similar analysis, new claim 29 and claims dependent thereon are also patentable over Zigmond alone or Zigmond in combination with Seet.

In sum, claims 17-36 are in condition for allowance.

### **CONCLUSION**

In view of these amendments and the remarks above, the application is believed to be in condition for allowance. The Examiner's prompt action in accordance therewith is respectfully requested.

The Commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (BKA.0012US).

Respectfully submitted,

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